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REMARKS

Claims 1-32 are currently pending in the subject application and are presently under consideration. Claims 1, 18 and 20 have been amended herein to clarify what applicant regards as the invention – such amendments are not intended to limit the scope of the claimed invention. Claims 8-17 and 23-30 have been cancelled, and applicant's representative intends to pursue these claims in a divisional application. Claims 33-42 have been added to further emphasize various novel aspects of the claimed invention and do not raise any issues that would necessitate further search. A version of all pending claims is found at pages 3-7.

Favorable consideration of the subject patent application is respectfully requested in view of the comments and amendments herein.

I. Objection of Abstract.

The Abstract is objected to for length thereof. Withdrawal of this objection is requested in view of the replacement abstract provided herein.

II. Requirement of New Oath or Declaration Under 37 C.F.R. §1.67(a).

The declaration stands objected to for being defective. The Office Action asserts that the declaration is defective due to applicant's signature being in the "wrong place", next to his printed name rather than on a signature line. It is respectfully submitted that this objection be withdrawn since the declaration as submitted satisfies all requirements for a declaration pursuant to 37 C.F.R. §1.63.

"...[A]n oath or declaration filed under § 1.51(b)(2) as a part of a nonprovisional application must: (1) Be executed, *i.e.*, signed, in accordance with either § 1.66 or § 1.68. There is no minimum age for a person to be qualified to sign, but the person must be competent to sign, *i.e.*, understand the document that the person is signing; (2) Identify each inventor by full name, including the family name, and at least one given name without abbreviation together with any other given name or initial; (3) Identify the country of citizenship of each inventor; and (4) State that the person making the oath or declaration believes the named inventor or inventors to be the original and first

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inventor or inventors of the subject matter which is claimed
and for which a patent is sought." 37 C.F.R. §1.63(a)

Applicant's representative submits that applicant's signature is sufficient to fulfill all the requirements of 37 C.F.R. §1.63. There is only a single inventor associated with this declaration, and the inventor's signature clearly appears next to his printed name on the declaration. It is readily apparent that the signature is that of applicant and the location thereof does not cause confusion as to inventorship since applicant is a sole inventor. Accordingly, it is respectfully submitted that the declaration is valid and meets all statutory, and this rejection should be withdrawn.

III. Rejection of Claims 1-2, 5-7, and 31-32 Under 35 U.S.C. §102(e).

Claims 1-2, 5-7, and 31-32 stand rejected under 35 U.S.C. §102(e) as being anticipated by Spiegel *et al.* (U.S. Patent No. 6,629,079 B1). It is respectfully submitted that this rejection should be withdrawn for at least the following reason. Spiegel *et al.* neither teaches nor suggests each and every limitation of the subject claims.

A single prior art reference anticipates a patent claim only if it expressly or inherently describes each and every limitation set forth in the patent claim. *Trintec Industries, Inc. v. Top-U.S.A. Corp.*, 295 F.3d 1292, 63 USPQ2d 1597 (Fed. Cir. 2002); *See Verdegaa Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The identical invention must be shown in as complete detail as is contained in the ... claim. *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

The subject invention as claimed relates to an electronic shopping basket. One aspect of the claimed invention provides for a universal electronic shopping basket that allows a user to select items of interest from various locations (*e.g.* web sites) and place them in a same universal electronic shopping basket which can be associated with a desktop application and/or browser application..

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In particular, independent claim 1 recites ... a shopping basket component associated with the graphical image component, *the shopping basket component being programmed to provide drag and drop capabilities wherein a user may drag and drop representations of identified items from a plurality of sources into the graphical image and descriptions of the items will be retained by the shopping basket component...*

Likewise independent claim 31 recites the use of *...representations of identified items from a plurality of sources...and descriptions of the items will be retained by the shopping basket component*. Spiegel *et al.* does not teach or suggest such aspects of applicant's claimed invention.

Spiegel *et al.* teaches use of multiple shopping baskets associated with a common source – respective shopping baskets can be associated with unique roles/contexts of a user and thereby facilitate organization of shopping events associated with a common source. More particularly, each shopping cart is intended to be used when a user is purchasing items in different respective roles (e.g. work or personal use). (See Spiegel *et al.*; col. 4, ln. 6-12). Each shopping cart has associated with it appropriate billing and shipment information related to a particular role. (See Spiegel *et al.*; col. 4, ln. 16-22). Unlike applicant's claimed invention which provides for employment of a single universal shopping basket that can be used to concurrently effect transactions with items associated with disparate sources, the multiple shopping baskets of Spiegel *et al.* are each associated with one merchant per user context.

In view of at least the foregoing, it is readily apparent that Spiegel *et al.* neither teaches nor suggests applicant's invention as recited in independent claims 1 and 31 (and claims 2, 5-7, and 32, which respectively depend there from). This rejection should be withdrawn.

IV. Rejection of Claims 18-19 Under 35 U.S.C. §102(e).

Claims 18-19 stand rejected under 35 U.S.C. §102(e) as being anticipated by Call (U.S. Patent No. 6,154,738). It is respectfully submitted that this rejection should be withdrawn for at least the following reasons. Call neither teaches nor suggests each and every limitation of the subject claims.

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Another aspect of the subject invention, as recited in amended independent claim 18, relates to *...associating a shopping basket component with a graphical image on a user interface, wherein the corresponding description of the item will be retained by the shopping basket component.* Merchant sites that illustrate products by displaying images often have description files that contain product information (e.g. price, source, description). In accordance with the claimed invention, the product information can be transferred to and retained by a user's electronic shopping basket by using drag and drop capabilities on the merchant's graphical image of the product.

Call fails to teach or suggest such features of applicant's claimed invention. Rather, Call relates to "methods and apparatus for transferring requests for specific information to preferred sources of that information on the Internet." (See Call; col. 1, ln. 28-30). Call "enables retrieval of information about products from a source of those products...by those who need that information." (See Call; col. 4, ln. 16-19). Call allows a user to click on Internet links to product information, where the activated link sends a "request message containing at least a portion of the universal product code...via the Internet to a cross-referencing database." (See Call; col. 2, ln. 15-21). The database then "returns the Internet address of the particular manufacturer's server which then makes the desired product information available." (See Call; col. 2, ln. 23-25). Applicant's claimed invention is patentably distinct in that it allows a user to *retain in a shopping cart the corresponding description of an item associated with its graphical image* instead of searching for product information based on product codes via a database as in the cited reference. Call does not teach such retaining aspect of applicant's claimed invention let alone in a shopping cart.

In view of at least the above, it is respectfully submitted that Call neither teaches nor suggests each and every limitation of applicant's invention as recited in independent claim 18 (and claim 19 which depends there from). Accordingly, withdrawal of this rejection is respectfully requested.

V. Rejection of Claims 3-4 Under 35 U.S.C. §103(a).

Claims 3-4 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Spiegel *et al.* and in further view of Call. It is respectfully submitted that this rejection

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should be withdrawn for at least the following reasons. Claims 3-4 depend from independent claim 1, and Call does not make up for the aforementioned deficiencies of Spiegel *et al.* regarding claim 1.

Rejection of Claims 20-22 Under 35 U.S.C. §103(a).

Claims 20-22 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Call and in further view of Spiegel *et al.* It is respectfully submitted that this rejection should be withdrawn for at least the following reasons. Neither Call nor Spiegel *et al.*, alone or in combination, teach or suggest employing a common schema that provides for concurrently effecting transaction associated with items related to disparate sources as in applicant's claimed invention. Accordingly, it is respectfully submitted that applicant's invention as recited in the subject claims is not obvious over Call and Spiegel *et al.*, and that this rejection be withdrawn.

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CONCLUSION

The present application is believed to be in condition for allowance, in view of the above comments and amendments. A prompt action to such end is earnestly solicited. In the event any additional fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063 (Ref. No. MSFTP140US). \

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicant's undersigned representative at the telephone number listed below.

Respectfully submitted,

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